Part IV – Operations and Administration

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NATIONAL MARINE SANCTUARIES
MONTEREY BAY

Operations and Administration Action Plan

Goal Statement
The desired outcome of the Operations and Administration Action Plan is the increased protection of MBNMS resources and qualities, achieved with the budget and staff necessary for adequate implementation of the JMPR Action Plans.

This Action Plan was developed by an internal MBNMS staff team.

MBNMS Staff Contact
Jenny Hauser

Introduction
MBNMS will address operations and administration issues such as identifying staffing and infrastructure resource needs, minor boundary and regulatory corrections, and permit-processing improvements. Minor boundary adjustments include addressing entrances to river mouths where the MHWL is not clearly delineated and entrances to harbors where fixed points provide a clearer delineation than the ColReg line at harbor mouths. Permit process improvements include examining ways to streamline the permit process without sacrificing protection of the resources. Some regulatory corrections may involve adding definitions or adding administrative guidelines for response actions or review of coastal development patterns (i.e. tracking and commenting on other agency land use actions). Another objective will be to develop a comprehensive administrative program that identifies staffing and other resources necessary to adequately implement all programs identified in the management plan. The need for different office locations and staffing dispersement will also be evaluated. Other facility needs to be addressed include the actual need for a research and patrol vessel for the Sanctuary.

Cross-Cutting Administrative Issues
The JMPR involves the simultaneous review of three adjacent Sanctuaries in northern-central California. Many of the key issues raised during the public scoping meetings apply to two or more Sanctuaries. Likewise, many of the Sanctuary users, State and Federal agencies, and stakeholder groups have interests in more than one Sanctuary.

Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries are located adjacent to one another along a 350-mile stretch of the north-central California coast. All managed by the same program, they share many of the same resources and issues, and have some overlapping interest and user groups. There are many opportunities for these sites to work cooperatively, share assets, and address resource management issues in a coordinated manner.

The three Sanctuaries continue to coordinate on many important resource management issues, such as oil spills and volunteer monitoring. However, each site is, for the most part, managed independently of each other. The Sanctuaries have separate administrative staffs, Sanctuary Advisory Councils, education, research and resource protection programs. In order to increase cooperation and coordination among the sites, the NMSP has identified administration as a priority cross-cutting issue.

An internal team for Cross-Cutting Administrative Issues has been established to develop a strategy for these three sites to operate as three complementary components of the national system. See Cross-Cutting Issues – Administration Action Plan.

Strategy OA-1: Staffing Needs Assessment

An objective of the Operations and Administration Action Plan is to develop a comprehensive Program Operations Plan that identifies staffing resources necessary to adequately implement all programs identified in the revised management plan. The MBNMS may also need to evaluate more office locations and staffing decentralization. Increased support geographically may be driven by requirements in those areas for staff from all MBNMS departments.

Activity 1.1: Investigate Internal Organization

A. Departments

MBNMS is currently organized into four departments: Research, Resource Protection, Education and Outreach and Program Operations. MBNMS management is evaluating the effectiveness of this organization model versus organizing by specific issue areas of the revised Management Plan, such as water quality, which could require staff from all four of the original departments to function on a water quality team. Other alternatives are being considered, such as organization by region to better address priority issues. This is a model similar to that used by the Florida Keys National Marine Sanctuary and state parks in California.

Possible models include:

Organize by management plan issues	Organize by region	Improved Status Quo
Coastal Development	Northern Region	Main Monterey office
Ecosystem Protection	(Marin, San Mateo,	Satellite offices in:
Water Quality	Santa Cruz Counties)	Santa Cruz
Wildlife Disturbance	MBNMS HQ (Central)	San Simeon
Partnerships and Opportunities	Southern Region	Half Moon Bay
Operations and Administration	(Monterey, San Luis Obisbo Counties)	

B. Satellite Offices

MBNMS staff are evaluating the potential need for more staff at the satellite locations. There are currently two staff members at the Santa Cruz office, a member of the Education Team and the Water Quality Program Director, as part of the Resource Protection Team. There is currently one Education Team staff member at the San Simeon office. The staff person originally hired by MBNMS for the Half Moon Bay office has been assigned to NMSP headquarters to service MBNMS and GFNMS. MBNMS pays for the Half Moon Bay office.

Potential Partners: City of Santa Cruz, Friends of Hearst Castle, NMSP

Activity 1.2: Identify Instruments for Employing Staff and Contractors

Due to restrictions in adding and hiring for Government Service (GS) positions, MBNMS has implemented the use of contractors and other cooperative agreements. MBNMS currently has 34 positions. Of these, 14 are GS, seven are contractors with benefits, 12 are contractors without

benefits and two are cooperative agreement positions with benefits. There are two more vacancies that MBNMS would like to fill through cooperative agreements. Nine of the contractors are managed through individual contracts, seven contractors have been hired through the Monterey Bay Sanctuary Foundation, two through an environmental firm, SRI, and one through ETI Professionals.

Because MBNMS utilizes a number of different types of contracts and contractors, which must each be managed separately, MBNMS has investigated utilizing one "umbrella" contract; possibilities could include, the GSA ANSWER contract, possibly with the Monterey Bay Sanctuary Foundation. Such a contracting mechanism would allow MBNMS to incorporate all contractors, and potentially all service contracts as well, under a single contract. This vehicle could also enable MBNMS to offer benefits to all contractors.

Estimated Costs: If contractors are provided full benefits, the costs to have those contractors are approximately 50% more than GS positions. Total cost to convert all contracts to provide benefits would be approximately $337,500.

Potential Partners: MBSF, MBA, WASC, MBARI, BLM, CSUMB, GSA, BAH

Activity 1.3: Develop a Structured Intern Program
The MBNMS realizes the importance of internships for students, faculty, and the local community. An internship is an opportunity for students to apply knowledge and skills gained at school at the MBNMS. Internships also provide students with practical work experiences that are difficult to obtain in the classroom. At the same time, internships provide an opportunity for the MBNMS to utilize the skills and knowledge of students, and to develop the work skills of future professionals. Potential employers will be looking for graduates who also have practical work experience, and internships are just one way to help build a student's resume by providing practical work experience in the student's field of interest.

The MBNMS and its partners offer a variety of volunteer internship opportunities for undergraduate and graduate college students. Internships are available at the main office in Monterey, as well as at the satellite offices in Half Moon Bay, Santa Cruz and San Simeon. More MBNMS internship information and the intern application can be found at: http://montereybay.noaa.gov/educate/internship.html.

Current MBNMS internships available include:

- Web Intern
- Education & Outreach Intern
- Media and Communications Intern
- Water Quality Protection Program (WQPP)
- Monterey Bay Marine Sanctuary Foundation Intern
- Bilingual Outreach Intern for MERITO

MBNMS internships are focused on environmental science and environmental problem solving skills. As a MBNMS intern, a student will experience the integration of science and policy. Examples of MBNMS internship experiences include:

- Environmental monitoring
- Environmental education
- Mapping natural resources
- Ecosystem protection
- Compiling policy information
- Water quality protection

Each MBNMS internship position will provide the opportunity for the individual to develop skills specific to the needs of the project to which they are assigned. In addition to those specific skills gained, the overall goal of the MBNMS intern program is to provide the opportunity for the student to develop:

- An understanding of MBNMS mission and role
- A general understanding of NMSP mission and role
- Knowledge of the scope of NOAA, it's mission, role and services provided
- An understanding of how science affects policy, and how policy affects natural resource management
- Teamwork skills to work successfully between departments
- Self-evaluation skills
- Develop a working knowledge of appropriate applied skills

Internship Coordinator
The MBNMS Program Operations Coordinator will manage the MBNMS intern program as the Internship Coordinator. The Internship Coordinator will liaison between intern applicants and the corresponding MBNMS mentor to interview and place interns. The Internship Coordinator will manage MBNMS intern requirements, including hours worked, as well as the intern's academic requirements, if applicable. The Internship Coordinator will also coordinate with the mentor and the intern to provide the intern with a letter of recommendation and a resume entry, if desired by the intern. Other responsibilities of the Internship Coordinator include:

- Orient the intern to the philosophy, policies, programs and services of MBNMS
- Prepare the MBNMS staff for the arrival of the intern
- Work as a liaison between the student and mentor
- Serve as a consultant to intern and mentor
- Meet with intern to evaluate experience
- Get feedback from mentor regarding the internship

Mentor
The MBNMS staff member to whom an intern is assigned will serve as that intern's mentor. Each intern will be assigned at least one mentor. The responsibilities of the mentor will include:

- Define the MBNMS expectations of the intern
- Provide supervision and adequate training for intern
- Integrate the intern as a fully functioning participant in appropriate levels of MBNMS activities, projects and programs
- Evaluate the intern's progress, overall performance, and the degree to which s/he has met the stated goals and objectives throughout the internship through a written final evaluation
- Meet with the student halfway through the internship to review internship performance requirements, and write the final evaluation of the intern

Intern
MBNMS internships are structured around a flexible work schedule for the individual. The intern will work with their mentor, to coordinate a schedule that meets the needs of the MBNMS project and the student's academic requirements, if applicable. The hours the intern will work will also be based on the student's schedule and MBNMS space availability. The responsibilities of the student include:

- Behave in a responsible and professional manner
- Become an integral and active member of the MBNMS staff
- Agree to mutually satisfactory goals and responsibilities with mentor and internship coordinator
- Become familiar with MBNMS policy and procedures and abide by all regulations
- Support the MBNMS and its staff in any contacts with the public
- Notify the mentor or internship coordinator at least 24 hours in advance when you are unable to work
- Complete work as outlined

Potential Partners: CSUMB, MBARI, Monterey Institute of International Studies (MIIS), Marine Advanced Technology Education (MATE) Center at Monterey Peninsula College, Monterey Bay Aquarium, local public High Schools, local private institutions (Santa Catalina Schools, York School, Robert Louis Stevenson School), Cabrillo College, Cuesta College, Hartnell College, California Polytechnic Institution, San Luis Obisbo, and other local Colleges and Universities.

Strategy OA-2: Facilities Assessment

Another objective will be to develop a comprehensive operations program that identifies staffing and other resources necessary to adequately implement all programs identified in the management plan. MBNMS will evaluate the physical office space needs, as well as the geographic needs along the Sanctuary coastline for projected staff. The need for different office locations and staffing decentralization will also be addressed. Other facility needs to be addressed include the need for a research and patrol vessel for MBNMS.

Current Facilities

Monterey Office
The Monterey Office is leased through Ryan Management Company.
Square footage: 6,980
Personnel capacity: 29
Space occupied: 25
Annual lease cost: $97,999.20 (rent) / $217,776.00 (rent+operating costs)
Lease expiration: June 30, 2007

Satellite Office - Santa Cruz
The City of Santa Cruz has given MBNMS free space on the City's main wharf.
Square footage: 629
Personnel capacity: 2
Space occupied: 2
Annual lease cost: $0
Lease expiration: June 11, 2004

Satellite Office - San Simeon
The San Simeon office is located in California Department of Parks and Recreation (CDPR) facilities at Hearst Castle. This space was made available through a contract to the Friends of Hearst Castle. CDPR provides security, office space, two parking spaces, bathroom and kitchen facilities, and the use of a copier.
Square footage: 8x12
Space occupied: 1
Personnel on-site: 1
Annual lease cost: $5,000
Lease expiration: October 1, 2003

The office in San Simeon will be moved on July 1, 2003 to a facility at William Randolph Hearst Memorial State Park. This facility has 300-500 square feet, beach access, is ADA accessible, has space for potential storefront exhibitry, and has office space for three or four, and storage space. The facility will require the installation of computer wiring, a security system, and office equipment such as a copier and a facsimile machine.

Half Moon Bay Office
MBNMS also supplies an office in Half Moon Bay to the National Marine Sanctuary Program (NMSP). The NMSP Half Moon Bay office is leased through Professional Peninsula Properties.
Square footage: 572
Personnel capacity: 4
Space occupied: 2 (not MBNMS)
Annual lease cost: $17,160
Lease expiration: August 31, 2006

Activity 2.1: Assess Needs for Existing and Future Office Space
The Strategy OA-1, Staffing needs assessment, addresses the need to refine the staffing plan and organization method for the MBNMS. These staffing needs are directly related to facilities needs, and particularly, office space.

Potential Partners: CDPR, Friends of Hearst Castle, NOAA/NMFS, USCG, CSUMB, City of Santa Cruz, NMS, GFNMS.

Activity 2.2: Assess Other Facility Needs

A. Potential Research Facility needs
MBNMS has a need for a research facility for a field science laboratory. This facility would, at a minimum, house the SIMoN staff. MBNMS also has the need to conduct more research in the Big Sur area, and therefore the MBNMS is currently investigating the potential for use of the Big Sur Granite Canyon Lab as an additional satellite office. The lab is currently owned by the California Department of Fish and Game (CDFG), and could be made available to MBNMS through a cooperative agreement. The location of this facility would help fulfill the need for more research in this geographic area. It has an on-site sea water system, a student education laboratory, and a meeting and conference room. The MBNMS Research Team, in particular, the SIMoN project, could utilize the Big Sur Granite Canyon Lab. It could also be used for meetings and retreats, or as a training and meeting place for the MBNMS volunteer program. MBNMS could store equipment and boats at this facility, and its physical setting is optimal for future landing stations for an observing system or other technological monitoring systems.

The MBNMS Research Team may also investigate partnerships with other local marine labs, such as the UCSC Marine Sciences Complex, in order to meet future space needs.

Potential Partners: CDFG, CA Coastal National Monument, MPA Center, UC Davis, MBA, MLML, PISCO, NPS CODAR project, Sea Studios, NMFS – NNML Whale-Watching Program, MATE, CSUMB, MBARI.

B. Potential boat and slip space needs
MBNMS currently utilizes space on the Monterey USCG Pier for a boat slip. The USCG is beginning remodeling of this pier after which they may be able to offer

the Sanctuary a bigger slip or floating dock space in order to house a new MBNMS boat, if provided in the future. See Strategy OA-6, Develop a boat operations plan. If such a cooperative arrangement cannot be completed, MBNMS will need bigger slip space elsewhere.

C. *Dive locker needs*
MBNMS currently utilizes space on the Monterey USCG Pier for a dive locker. The USCG is beginning remodeling of this pier after which they may be able to offer us an additional or remodeled dive locker space. See Strategy OA-7, Develop a dive operations plan.

D. *Visitor center needs*
The original 1992 management plan for the MBNMS included an expectation that visitor center(s) would be developed along the Sanctuary's shoreline. Scoping comments indicated that an interpretive center is needed to help raise public awareness of ocean issues, promote environmental stewardship, foster community support, and give MBNMS a more tangible presence. Facilities for education, research, and outreach provide a critical vehicle for interaction and developing a sense of stewardship with the constituent base of the MBNMS. The Interpretive Facilities Action Plan of the JMPR addresses the need for these types of facilities and develops a plan for a MBNMS Visitor Center.

Activity 2.3: Develop and Pursue a Comprehensive Facilities Plan for MBNMS Facilities Throughout the Sanctuary

Strategy OA-3: Sanctuary Advisory Council

The MBNMS Sanctuary Advisory Council (SAC) was established by Federal law in order to assure continued public participation in the management of the Sanctuary. The SAC plays a vital role in the decisions affecting the MBNMS and the central California coast. The SAC's 20 voting members represent a variety of local user groups, as well as the general public, plus seven local, state and federal governmental jurisdictions. In addition, the respective managers or superintendents of the four California National Marine Sanctuaries (Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, and the Monterey Bay National Marine Sanctuary) and the Elkhorn Slough National Estuarine Research Reserve, sit as non-voting members. Members are appointed competitively by the National Marine Sanctuary Program and generally serve three-year terms. The Council meets bi-monthly in open sessions located throughout the MBNMS.

The SAC assists in implementing or carrying out the goals and objectives of the MBNMS. MBNMS programs promoting research, education and resource protection are a major focus for the SAC, and members also work to promote public stewardship. The SAC has proven to be a powerful voice for the general public, responding to citizen concerns, ideas and needs. The SAC provides a public forum for MBNMS constituents, working to enhance communications and provide a conduit for bringing the concerns of user groups and stakeholders to the attention of the MBNMS Sanctuary Superintendent, and the NMSP Headquarters in Washington, D.C.

Purpose
The Secretary of Commerce established the SAC to:

- Help strengthen and provide support for the growth of the MBNMS
- Assist in the protection of MBNMS resources by helping identify needed research to rebuild or protect MBNMS resources
- Assist in building community support through problem solving, consensus building, new constituency development, increasing opportunities for revenue enhancement, and increasing understanding about the MBNMS

More information on the SAC can be found on the SAC website at:
http://montereybay.noaa.gov/intro/advisory/advisory.html

Activity 3.1: Support the Operation and Administration of the SAC
Several MBNMS staff members serve the SAC. Primary service is via the Sanctuary Advisory Council Coordinator; the Community and Public Affairs coordinator and the Superintendent both assist the SAC Coordinator and SAC Chair in operating the SAC. The SAC Coordinator organizes the six SAC meetings a year that are held throughout the MBNMS. Organization of these meetings may include, but is not limited to: arranging conference services and lodging, coordinating with the SAC Chair and Sanctuary Superintendent to develop meeting agendas, printing all required materials, and processing reimbursement for traveling SAC members. The SAC Coordinator works with the MBNMS Network Manager to provide and maintain the SAC website and listserve. The SAC website provides access to the materials produced for and from each SAC meeting.

The SAC Chair and SAC Coordinator attend the annual NMSP SAC Chair/Coordinator meeting, held at a different NMS each year. When this meeting is held at the MBNMS, it will be organized by the MBNMS SAC Coordinator.

Activity 3.2: Support SAC Working Groups

The SAC is supported by four standing working groups: the Research Activity Panel, the Sanctuary Education Panel, the Conservation Working Group, and the Business and Tourism Activity Panel, each respectively dealing with matters concerning research, education, resource protection and human use. The working groups are composed of experts from the appropriate fields of interest and most meet monthly or bimonthly, serving as invaluable advisors to the SAC and the Sanctuary Superintendent.

A. Research Activity Panel, RAP

The RAP is chaired by the Research representative on the SAC. The RAP is presently composed of representatives from 21 research institutions and organizations. The RAP has undertaken several responsibilities, including:

- Meet eight times per year, at different member institutions, to discuss the latest developments in regional science and upcoming research opportunities
- Advise on research priorities that are primarily related to management of MBNMS
- Promote, encourage, and review research projects in MBNMS
- Provide scientific advice and objective information to the SAC and Sanctuary management
- Review and advise on the MBNMS research permits process
- Assist Sanctuary management with the organization and dissemination of information on research activities within MBNMS
- Participate in developing the theme and program presentations for the Annual Sanctuary Currents Symposium
- Provide a mechanism for facilitating the integration of marine research and policy

More information on the RAP can be found on the RAP website at:
http://montereybay.noaa.gov/intro/advisory/rap_objectives.html

B. Sanctuary Education Panel, SEP

The SEP is chaired by the Education representative on the SAC. Membership includes educators from aquariums, universities, conservation organizations and agencies, as well as K-12 classroom teachers. The SEP reviews program proposals, advises on educational priorities and assists in the implementation of programs to increase understanding and stewardship of MBNMS.

More information on the SEP can be found on the SEP website at: http://montereybay.noaa.gov/intro/advisory/sep.html

C. Conservation Working Group, CWG

The CWG is chaired by the Conservation representative on the SAC. The mission of the CWG is to help promote and achieve comprehensive and long-lasting stewardship of MBNMS through continued oversight and advocacy. CWG members work to ensure that MBNMS is not neglected or exposed to new threats.

CWG policies include considering only conservation organizations and agencies with a conservation mission for institutional membership. To be considered for membership, an organization or agency must have a conservation oriented mission statement or a recent history of conservation activities related to the MBNMS.

CWG Role Statement:

- Serve as a forum and clearinghouse for identification, exchange, and discussion of information on current and emerging environmental issues, as well as MBNMS-specific resource protection and management issues
- Collaborate in building a well-informed and supportive constituency for MBNMS through pro-active education, organization memberships, public and media outreach, and citizen involvement activities
- Provide advice, views, and factual information on resource protection, MBNMS management, and other issues in response to requests from MBNMS staff, the SAC and associated working groups, and other appropriate parties
- Identify resource protection and management needs and make recommendations on protection and management priorities, strategies, and policies to MBNMS staff, the SAC and associated working groups, and other appropriate parties
- Review, provide advice and comments, and encourage the development of MBNMS-related programs, proposals, projects, and permits to MBNMS staff, the SAC and associated working groups, and other appropriate parties
- Promote communication and coordination among conservation organizations and other non-governmental organizations, user groups, MBNMS staff, the SAC and other MBNMS-related working groups, and other appropriate parties

More information on the CWG can be found on the CWG website at: http://montereybay.noaa.gov/intro/advisory/cwg.html

D. *Business and Tourism Activity Panel, BTAP*
The BTAP is chaired by either the Business Industry representative or Tourism representative on the SAC. Current membership includes contacts from local ocean-related businesses, harbors and visitors and convention bureaus. BTAP members are involved with giving input on policy-related matters and advising the Sanctuary Superintendent on issues affecting local businesses.

The goals of the BTAP are to provide a recognized mechanism for communicating Business and Tourism interests to the SAC and the Sanctuary Superintendent, and to help the Business and Tourism industries build cooperative partnership programs with the MBNMS.

More information on the BTAP can be found on the BTAP website at: http://montereybay.noaa.gov/intro/advisory/btap.html

In order to continue support of the SAC working groups:

A. *MBNMS provide a member of the MBNMS staff for all regularly scheduled SAC Working Group meetings. This staff member will work closely with the Working Group Chair to facilitate the meeting and to provide any other support necessary to ensure that the meeting is successful*

B. *MBNMS staff will work closely with the SAC and the SAC Working Groups and their Chairs to ensure the missions of the Working Groups meet the focus of the revised Sanctuary management plan*

Activity 3.3: Changes to the SAC Charter and Protocols

The SAC Charter and Protocols describe the objectives and scope of the Council's activities, description of duties for which the Council is responsible, procedural requirements on the appointment of Council members and Officers, requirements for the conduct of Council members and meetings, and other requirements. All Council activities must be conducted pursuant to this charter and the protocols attached to and incorporated as part of this Charter. The complete SAC Charter and Protocols can be viewed at:
http://montereybay.noaa.gov/intro/advisory/chartprot.html

The Superintendent and SAC periodically review the Charter to ensure it is up to date and to adequately address problems or needs of the SAC, or any new legal or programmatic requirements of the program.

Several major amendments where proposed by the MBNMS SAC at their April 2003 meeting. These amendments have been forwarded to the NMSP for formal approval by the Director of the NMSP. At the April 2003, the SAC also decided that it would defer re-examining the issue of adding or modifying existing seats on the Council and what should be SAC working groups until they have a chance to see what comes out of the process to review and update the MBNMS management plan.

Activity 3.4: Assist Working Groups in Defining Each Group's Membership Protocols and Decision-making Protocols

In a revision of the SAC Charter and Protocols, the SAC acknowledged that each working group had different rules for membership and decision-making, or no rules at all. The SAC and the Superintendent do not object to having different rules for membership and decision-making, but each group needs to clearly define and record rules for membership and decision-making. These then need to be reviewed and concurred to by the SAC and MBNMS Superintendent.

MBNMS staff will work with each working group to develop and produce a written set of protocols for membership and decision-making.

Activity 3.5: Re-assess SAC Membership and Working Groups

After the Management Plan is complete, the SAC will review its membership to determine if it has the appropriate membership for community and agency involvement. The MBNMS SAC was created before a congressional limit to the size of SACs, which is 15. The NMSP strongly urges all SACs and Sanctuary Managers/Superintendents for sites not congressionally restricted to nonetheless limit SACs to 20 members.

The SAC will also review the focus and membership of its working groups in order to incorporate changes as necessary to meet the needs of the revised Management Plan.

Strategy OA-4: Volunteer Program

The goal of the volunteer program is to assist staff in accomplishing management plan objectives. Volunteers are a vital mechanism for involving the community and a valuable resource for accomplishing a variety of tasks, including research and monitoring, education and outreach programs, underwater projects, representation at selected events and functions and administrative tasks. The overall objective of the volunteer program is to develop a system of public involvement supporting MBNMS in a "hands-on" manner. Volunteers support many activities that would otherwise not be accomplished as efficiently or cost effectively.

The MBNMS Volunteer Program requires staff and administrative support in order to function efficiently. MBNMS staff strive to recruit, place, orient, train, recognize, and maintain volunteers.

There are several docent programs in high visitor use areas of the MBNMS. Some programs have been enacted to address concerns at specific locations within State Parks Programs and the Fitzgerald Marine Reserve, other docent programs are more regional.

MBNMS Volunteer Programs

Team OCEAN-Ocean Conservation Education Action Network
Team OCEAN is an effort to address the disturbance of marine mammals and seabirds by recreational users of the Sanctuary. The Team OCEAN Kayaker Outreach Program puts staff and volunteer Sanctuary naturalists on the water in Sanctuary kayaks to outreach to fellow ocean kayakers in Elkhorn Slough and on the Monterey waterfront. These naturalists serve as Sanctuary docents, providing guidance on respectful wildlife watching, and protecting marine wildlife from disturbance.

Includes 25 volunteers collectively spending up to 54 hours per week (maximum) at two locations throughout the Sanctuary.

Beach COMBERS - Coastal Ocean Mammal/Bird Education and Research Surveys
Beach COMBERS is a beach-monitoring program established by MBNMS and Moss Landing Marine Labs, to obtain information on rates of stranding for all species of marine birds and mammals. In addition, mortality events are detected, causes of mortality events are assessed, and oil and tar deposition is monitored. The long-term objectives of the program are to provide baseline information on the average presence of beachcast marine organisms and to assist the MBNMS in the early detection of mortality events triggered by natural and anthropogenic environmental perturbations such as red tides and oil spills.

Pairs of trained volunteers survey their beach segment during the first week of each month at low tide.

Includes 55 volunteers spending three-four hours during one week per month at 11 beaches in and around Monterey Bay and five beaches in the Cambria area within Sanctuary boundaries.

Sanctuary Citizen Watershed Monitoring Network
The Sanctuary Citizen Watershed Monitoring Network is a consortium of approximately 20 local citizen monitoring groups monitoring the health of the watersheds flowing into the MBNMS. It provides support, training, and a central forum and database for citizen monitoring programs. The volunteers collecting this valuable information play a key role in the community as stewards of the watersheds. Resource agencies, local governments, and community groups, to protect and improve the health of local streams, use the data collected by the volunteers. More information can be found at the Network's website:
http://montereybay.noaa.gov/monitoringnetwork/welcome.html

The Network provides training, equipment, data base access, quality certification and coordination on a year-round basis to the volunteer groups. In addition, it sponsors three annual volunteer events:

- First Flush
  The first major storm event of the season, in which there are "sheet flows" of water on the roadways, is defined as "First Flush." The goal of this effort is to characterize the first flush storm water runoff that is flowing into MBNMS, particularly coliform contamination.

  Includes 55 volunteers spending eight hours each at 19 locations throughout the Sanctuary.

- Snapshot Day
  On Earth Day weekend, volunteers participate in this Sanctuary-wide volunteer water quality monitoring event designed to increase information and public awareness about water quality issues affecting watersheds that drain to MBNMS. This community event provides a one-day "Snapshot" of the health of the rivers and streams that flow into the Monterey Bay National Marine Sanctuary.

  Includes 160 volunteers spending eight hours each at 170 locations throughout the Sanctuary.

- Urban Watch
  The Urban Watch Water Quality Monitoring Program is a collaborative effort between the Cities of Monterey, Pacific Grove, Capitola, the Coastal Watershed Council, and MBNMS. Urban runoff is one of the leading sources of pollution into coastal waters. The Urban Watch monitoring program provides a way for local residents and community members to monitor water quality and urban pollution in the dry weather months (June-October), where volunteers sample a variety of contaminants from storm drains.

  Includes 40 volunteers spending 20 hours at 15 locations throughout the Sanctuary.

BAY NET- The Monterey Bay Sanctuary Volunteer Network
BAY NET is an innovative field docent program designed to enhance public awareness and understanding of the MBNMS, its wildlife, policies and programs. The program was launched by The Ocean Conservancy in 1995 (then the Center for Marine Conservation).

BAY NET volunteers wear distinctive, easily identifiable royal blue jackets and carry a field kit including tripod-mounted binoculars, emergency phone numbers, field guides, photos of area wildlife, and other items. BAY NET also initiated the elephant seal docent program operating near San Simeon, California that today is managed by the non-profit Friends of the Elephant Seal (description below).

By placing trained citizen-volunteers at selected points along the shore of the MBNMS, both local residents and visitors are provided with basic interpretation and education. BAY NET docents serve as Sanctuary "ambassadors," helping promote the wonder and "awe" of this remarkable area.

As of January 2003, BAY NET has graduated more than 400 volunteer docents. In that time, they have contributed nearly 100,000 hours on the shoreline, and enriched the experience of more than half a million Sanctuary visitors.

MBNMS provides staff assistance and partial funding for this program.

Includes 53 volunteers spending six hours each per week at three locations throughout the Sanctuary.

Other Local Volunteer Programs Partnering with MBNMS

Save Our Shores (Santa Cruz/Half Moon Bay)
The Save Our Shores Sanctuary Steward Certification Program is a unique volunteer program dedicated to preserving the ecological integrity of California's central coast, particularly the MBNMS, through public education, policy research, and citizen action. Through the Sanctuary Steward program, individual citizens become skilled marine educators, community organizers, and resident experts on issues affecting the Sanctuary. Stewards reach the public audience in several ways: by making slide presentations, by hosting interpretive educational displays, by leading beach cleanup tours, and by presenting ecology talks on Sanctuary sailing trips. This program is currently on hold due to a lack of funding.

Monterey Bay Aquarium
More than 1,000 volunteers guide visitors through aquarium exhibits, staff the Information Desk, and work behind the scenes in husbandry operations, marketing, visitor programs and other areas.

Elkhorn Slough Estuarine Research Reserve
Volunteers conduct a long-term monthly water monitoring program around the Elkhorn watershed and assist in interpretation and research projects throughout the Slough.

Friends of the Elephant Seal
The Friends of the Elephant Seal (FES) is a non-profit organization dedicated to educating people about elephant seals and other marine life and to teaching stewardship for the central coast of California. The program focuses on staffing a Cal-Trans improved vista point near Pt. Piedras Blancas. Docents are trained to interpret the natural history of the Northern Elephant Seals and minimize harassment while protecting human visitors.
MBNMS has provided funding for signage at the main viewing site, and serves as an advisory member to the Board of Directors, facilitates the docent trainings, and provides general assistance and support.

Coastal Cleanup
Administered by the California Coastal Commission, with support from CDPD, and Save Our Shores. www.wast4u.gov

Beach Watch
A sister program to Beach COMBERS, Beach Watch is operated by GFNMS, via the Farallones Marine Sanctuary Association (FMSA)

Activity 4.1: Identify Needs for Volunteers From Other JMPR Action Plans

Activity 4.2: Incorporate MBNMS Volunteer Efforts on Specific Projects into a Single Team OCEAN Program
MBNMS will establish a comprehensive and cohesive volunteer program in collaboration with the NMSP effort to establish a Team OCEAN (Ocean Conservation Education Action Network) volunteer program in every Sanctuary. The MBNMS Team OCEAN will serve as an "umbrella" program to include all MBNMS volunteer activities. The MBNMS Team OCEAN will also function as a means to assist other local volunteer groups whose efforts relate to the Sanctuary. The Program Operations Coordinator will manage the MBNMS Team OCEAN.

Due to The Ocean Conservancy's inability to fund BAY NET, MBNMS will investigate integrating BAY NET into Team OCEAN as a MBNMS program.

Activity 4.3: Continue Recruitment and Placement of Volunteers
MBNMS volunteers are recruited based on particular skills, experience, aptitude and interest. Recruitment sources include community groups, churches, neighborhood associations, other volunteer groups, government agencies, universities, and local schools. Once recruited, volunteers are paired with a project matching their interest, expertise and experience.

Activity 4.4: Provide Orientation and Training for Volunteers
MBNMS will provide volunteer orientation in order to familiarize volunteers with the mission of MBNMS and NMSP.

MBNMS will also provide program specific training to help volunteers accomplish resource protection activities. Volunteer program training will also include safety instruction for each volunteer activity. Structured volunteer training will result in a corps of trained MBNMS volunteers and greater retention of volunteers.

MBNMS will also provide continuing education opportunities to volunteers when possible. This will include cross-training between sub groups of the MBNMS volunteer programs. For instance, a Team OCEAN kayak volunteer may be provided the opportunity and training to become a watershed monitoring volunteer.

Activity 4.5: Maintain Documentation of Volunteers
MBNMS will maintain volunteer records to include contact information, interest areas and experience.

Activity 4.6: Recognize the Efforts and Services of Volunteers
MBNMS will make every effort to place volunteers in the position they desire, as well as make that position fulfilling to the volunteer and meaningful to the management of MBNMS resources, including informing the volunteer of how their efforts were used to benefit the Sanctuary. MBNMS will also provide formal and informal recognition and awards as well as appropriate items associated with the service.

Activity 4.7: Create a Mechanism to Retain Volunteers
MBNMS will explore various means to continue volunteer education and provide various enrichment opportunities and incentives. Again, providing cross-training for other MBNMS volunteer programs could help to increase interest in being, or remaining, a MBNMS volunteer.

Strategy OA-5: Administrative Initiatives

MBNMS will develop a comprehensive operations program that identifies staffing and other resources necessary to adequately implement all programs identified in the revised management plan unless otherwise reorganized. MBNMS will continue to conduct administrative operations through the Program Operations Team in support of the Research, Education and Resource Protection Teams.

The Program Operations Team carries out the MBNMS's highly effective, day-to-day administration, providing the services necessary to fulfill the mission of the MBNMS and facilitate management of the Sanctuary.

MBNMS has an extremely complex management plan that encompasses 21 Action Plans with only 34 individual staff. The efficiency of the Program Operations Team is critical to successful implementation of this plan.

Activity 5.1: The Sanctuary Superintendent Will Continue to

A. Direct MBNMS operations
B. Manage MBNMS resources
C. Address the input of stakeholders from the communities within the Sanctuary boundaries
D. Serve as primary point of contact for Sanctuary Advisory Council, as well as local government officials and representatives of State and Federal government offices in region
E. Liaison with the Superintendents or Managers of the other National Marine Sanctuaries
F. Work with the Director of the NMSP on facets of MBNMS and NMSP operations

Activity 5.2: MBNMS Will Continue to Manage Human Resources

A. Recruitment and retention
B. Training and career enhancement
C. Employee performance and recognition
D. Time and attendance
E. Contractor invoice management

Activity 5.3: MBNMS Will Continue to Administer Financial Operations

A. Budget planning and tracking
B. Produce an Annual Operating Plan
C. Conduct procurements for supplies and services

MBNMS works with the Department of Commerce's Western Administrative Support Center (WASC), which provides a comprehensive suite of administrative services including procurement, personnel services, health and safety, administrative payments, space management, regional engineering, environmental compliance, publications, IT support, and security.

Activity 5.4: MBNMS Will Operate, Track and Maintain Government Vehicles

A. Produce a monthly mileage report
B. Produce a quarterly report that outlines gallons of gas consumed, mileage used, and any maintenance costs

Activity 5.5: MBNMS Will Continue to Process Travel Orders/Vouchers in Travel Manager and Require Staff to Make Travel Arrangements With SATO Travel When Possible

Activity 5.6: All MBNMS Staff Will Participate in Scheduled Staff Meetings, as well as Team Meetings as Planned

Activity 5.7: MBNMS Will Develop Office Safety and Emergency Response Procedures for All Office Locations to Address Emergency Risks, Homeland Security Requirements, and Natural Disasters

Activity 5.8: MBNMS Will Maintain Interagency Cooperation Agreements and All Other Memorandums of Agreement

Activity 5.9: MBNMS Will Continue to Work with the Monterey Bay Sanctuary Foundation, a Nonprofit Organization Whose Mission is to Advance the Understanding and Protection of MBNMS and Other National Marine Sanctuaries in California

Activity 5.10: MBNMS Will Continue to Produce Regular Publications

A. Weekly situation reports (sitreps), distributed by the NMSP to all Sanctuaries
B. Quarterly newsletter
C. Annual EcoSystem Observations
D. State of the Sanctuary Report
E. Issue based brochures and pamphlets, produced as needed

Activity 5.11: MBNMS Will Continue to Staff a Position to Manage Community Relations and Public Affairs, Including Drafting Press Releases, and the Coordination of Media Coverage Related to MBNMS Activities

Activity 5.12: MBNMS Will Continue to Maintain a Local Office Computer Network and Manage the MBNMS Website

Activity 5.13: The MBNMS Research Coordinator Will Continue to Manage the Research Team and Participate in NMSP-wide Activities Relating to Research

Activity 5.14: The MBNMS Education Coordinator Will Continue to Manage the Education Team and Participate in NMSP-wide Activities Relating to Education

Activity 5.15: The MBNMS Resource Protection Coordinator Will Continue to Manage the Resource Protection Team and Participate in NMSP-wide Activities Relating to Resource Protection

Strategy OA-6: Boat Operations

MBNMS staff must be a presence on the waters of the Sanctuary to ensure effective and efficient Sanctuary management and protection of Sanctuary resources. Boat operations are needed to support:

- Enforcing Sanctuary regulations and monitoring regulatory compliance
- Monitoring key activities and resources to understand how the environment is responding to changing human uses and environmental conditions
- Ecosystem-focused research, monitoring and resource characterization to assist with resource management
- Research, monitoring, characterization, and protection of maritime heritage resources
- Emergency response to spills and groundings
- Maintenance of Sanctuary infrastructure (mooring buoys, ocean observatories, special navigation markers, environmental remediation sites)
- Education and outreach

Current MBNMS Boat Operations

MBNMS primarily conducts boat operations aboard its only boat, the SHARKCAT, described below:

MBNMS BOAT DESCRIPTION	SPECIFICATIONS
Fiberglass twin hull	Manufacturer: Shark Cat Industries
Enclosed cabin and V-berth	Production Date: 1988
Chart table, alcohol stove, and sink	Length: 30 feet
Dive step and dive ladder (center transom)	Beam: 9.9 feet
Forward and aft flood lights	Freeboard: 3 feet
Custom trailer	Draft: 2.5 feet
	Cruising Speed: 30 knots
	Maximum Speed: 40 knots
	Range: 100 nautical miles
	Lightship Weight: 3 tons
	Maximum Crew Capacity: 10 adults
	Maximum Deck Cargo Capacity: .75 tons

MBNMS conducts boat operations in support of Sanctuary management, research, education, and enforcement programs. Field operations enable MBNMS staff to maintain a direct connection to the resources they are charged to protect and provide real-time assessment of conditions in the Sanctuary. MBNMS staff spend many hours in the field each year performing scientific research, collecting information for educational programs, monitoring various human activities and natural phenomenon, and conducting enforcement surveillance, investigation, and response.

The MBNMS boat program is currently used to complete the following activities:

- Sampling in support of research and monitoring
- Bird and mammal surveys
- Kelp and CalTrans research
- Research surveys and support - drifter surveys, and CODAR calibrations
- Leatherback Turtle Tagging Project with NMFS
- General outreach
- Enforcement of NOAA regulations
- Security and safety patrols
- Inspection - of permitted activities (such as shark chumming) and non-permitted activities (such as cruise ship discharges)
- Investigation and surveillance - of suspect activities
- Monitoring of permitted or suspect activities - such as overflights and whale watch operations
- Fireworks surveys
- VIP tours
- Support for dive operations
- Ship to shore transfers of personnel and/or equipment
- Inter-agency support - such as training with USCG and support of MBA otter capture
- Assistance for vessels in distress

Program Operations Coordinator
The Program Operations Coordinator is assigned by the Sanctuary Superintendent to supervise all aspects of MBNMS watercraft operations, including boat maintenance and repair, equipment procurement, safety standards, training guidelines and requirements, boat operator and crewmember selection and designation, and boat use policies and procedures.

Boat Operators
MBNMS Boat Operators are designated MBNMS staff members that have successfully completed an approved boater familiarization and safety course or an advanced boat operations course, as well as operational proficiency training aboard the SHARKCAT. All boat operators also have current Red Cross or equivalent certification in cardiopulmonary resuscitation (CPR) and First Aid. Other staff are planned to be trained as operators of the SHARKCAT in summer 2003.

Crewmembers
Crewmembers are MBNMS staff that have completed a practicum on basic boat operations (including underway operations, docking, anchoring, communications, emergency procedures). Crewmembers are scheduled by the Program Operations Coordinator in consultation with the appropriate Team Coordinators so that sea time and periods of operational time are equitably distributed among MBNMS staff involved in boat operations.

Partnership Agreements

Channel Islands National Marine Sanctuary (CINMS)
MBNMS has an agreement with CINMS for shared use of their vessel, NOAA Ship SHEARWATER. CINMS has agreed to provide at least 15 days of ship time aboard the SHEARWATER at no cost, each year. MBNMS has purchased days aboard the SHEARWATER through FY05 and may purchase additional days from CINMS.

United States Coast Guard (USCG)
MBNMS coordinates all of its boat operations with USCG Station, Monterey. The USCG holds "guard" for MBNMS boat operation by maintaining radio contact with the SHARKCAT every 30 minutes during boat operations. MBNMS may also call upon USCG boats for aid with enforcement operations.

California Department of Fish and Game (CDFG)
MBNMS has an agreement with CDFG that allows the Sanctuary to call upon CDFG boats for aid with enforcement operations. This mechanism has rarely been used due to staffing limitations for CDFG.

Others
MBNMS may also purchase sea time aboard other research and private vessels in the area.

Issue Description
Public scoping comments revealed that the general public is concerned that MBNMS staff are not in the field often enough to successfully manage the resources that the Sanctuary is mandated to protect. An example of this can be seen by comparing boat usage over two separate years. In 1996, the SHARKCAT completed 84 trips, totaling approximately 252 hours. In 2001, the SHARKCAT completed 27 trips, totaling approximately 86 hours. Staff believe that this reflects an overall trend of diminishing time on the water since the early years of the MBNMS to present. Thus, while staffing, programs, and funding more than tripled between 1996 and 2001, field presence (i.e., SHARKCAT use) shrank by 68%. This decrease in boat use is largely due to the fact that there are no staff members dedicated to boat operations and the increase in demands for meetings and office duties for all staff. Other priorities took time from the staff that are qualified to operate the boat, and the inadequacy of the SHARKCAT as an effective vessel for research and enforcement or education makes boat operations seem ineffectual.

As part of the JMPR process, MBNMS will address these issues and review the Boat Operations Program and develop a Boat Operations Plan to incorporate projected needs for MBNMS, as indicated by other action plans.

Activity 6.1: Review and Adopt Boat Operations Guidelines
MBNMS currently operates the SHARKCAT under the MBNMS Interim Boat Operations Guidelines[1]. MBNMS will review these guidelines and ensure that they are consistent with the Small Boat Operations Memo[2] and the NOAA Administrative Order on the management of small boats[3], both of which became effective after the Interim Boat Operations Guidelines were established.

MBNMS will also develop a Boat Operations Checklist to enable the boat operator to evaluate whether the conditions indicate that operations should be conducted. These conditions shall include weather and sea state, as well as the qualification levels of the personnel conducting the operation.

Activity 6.2: Develop Boat Operator and Crew Member Qualification Plan
To effectively meet MBNMS mission requirements through operational boat crews, the Program Operations Coordinator shall develop a plan to monitor qualifications of all interested staff and set qualification goals. The Program Operations Coordinator will also compile a list of specific upcoming activities and events that will require boat support.

Operational schedules will be structured to ensure that training and proficiency requirements are met by developing a Boat Use Plan to include scheduled operations for boat maintenance and personnel qualification. All boat operations will be coordinated with each other to ensure that a boat maintenance, qualification, research, or resource protection objective is met whenever possible.

Activity 6.3: Hire a Part-Time Skipper or Establish a Maintenance Contract to Ensure that the SHARKCAT is Maintained Properly

Activity 6.4: Identify Future Boat Operations Needs
MBNMS expects to be allocated funds in 2004 or 2005 to build or purchase a large vessel, ideally a sister ship to the CINMS SHEARWATER, in addition to the SHARKCAT. The MBNMS staff have already completed initial analyses on the needs and specifications for a larger, reliable vessel. A comprehensive analysis for such a vessel will be produced. It will include a comprehensive Standard Operating Procedures document, and staffing and vessel mooring plans.

Strategy OA-7: Dive Operations

The mission of the NOAA Diving Program is to ensure that all NOAA diving operations are conducted safely, efficiently, and economically in support of NOAA's goals and objectives[4]. The strategic vision, goals and objectives of the NOAA Diving Program are:

- To establish standards and procedures for conducting safe diving operations
- To provide professional, comprehensive, and innovative instruction
- To provide safe, state-of-the-art, and well maintained dive equipment
- To investigate new diving technologies and techniques
- To foster cooperative working relationships with the local diving community, including other research diving programs
- To promote NOAA and the Dive Program through educational outreach

The MBNMS has a small dive team that is part of the NOAA Dive Program. The MBNMS dive program supports the goals and objectives of the NOAA Diving Program. Field operations enable MBNMS staff to maintain a direct connection to the resources they are charged to protect and provide real-time assessment of conditions in the Sanctuary. MBNMS staff spend many hours in the field each year performing scientific research, collecting information for educational programs, monitoring various human activities and natural phenomenon, and conducting enforcement surveillance, investigation, and response. Very little formal staff time is spent underwater.

The MBNMS conducts diving operations in support of Sanctuary management, research, education, and enforcement programs. Most of the diving activities in the past 10 years have included: subtidal monitoring surveys (Big Creek Fish Reserve, the Great Annual Fish Count, the Oceanic Society benthic surveys, etc.), underwater photography and video projects, inspection of shipwrecks, search and recovery activities, and historical site investigations. These dives are generally conducted from shore or from the MBNMS boat, the SHARKCAT. MBNMS also plans to conduct dive operations from the CINMS research vessel, SHEARWATER.

MBNMS staff dives have been diminishing since the early years of the MBNMS to present due to the rotation of NOAA qualified divers and the increase in demand for meetings and office duties for all staff. In the past five years, MBNMS staff dives have decreased approximately 50%. In 1997, MBNMS staff included a Unit Dive Supervisor, three Master Divers and two Working Divers. MBNMS now has only one Working Diver who is restricted to completing only the minimum number of dives necessary to maintain proficiency.

MBNMS will develop a dive operations plan that articulates the needs of a diving program for the Sanctuary including the projected needs as indicated in other action plans.

MBNMS facilities needs for the diving operations program are addressed in Strategy OA-2, Conduct a Facilities Assessment.

Activity 7.1: Identify Needs for Diving Operations from Other JMPR Action Plans
Present and Potential Dive Activities:

A. Maintenance of proficiency
B. Assist in Search And Rescue (SAR) operations
C. NOAA dive training and testing
D. Staff familiarization and connection to Sanctuary
E. Invasive species-detect and eradicate
F. Boat hull inspections and de-fouling of propellers on NOAA and other vessels
G. Shipwreck ground truthing - to verify accuracy of the MBNMS shipwreck database
H. Inspection of permitted and non-permitted submerged structures and pre-surveys for potential permit sites
I. Collection of evidence for enforcement
J. Damage assessment of subtidal areas affected by a recent shipwreck or grounding
K. Recovery of debris from the seabed - such as dive cleanup events
L. Fish Count surveys - such as Great Annual Fish Count
M. Education
N. Photography and videography
O. Support of underwater interpretive programs - such as the Jason Project and the NMPS telepresence program
P. Deploy and Recover equipment/instruments
Q. Collect samples
R. Invasive species-detect and eradicate
S. Assist in ROV operations
T. Buoy inspection, retrofitting, repair, and maintenance
U. VIP tours
V. Archaeological surveys - such as mapping of subtidal artifacts
W. Verify accuracy of the MBNMS shipwreck database and other maritime heritage resources
X. Further characterization of these wrecks (e.g. photo documentation, sketches, GPS coordinates)

Activity 7.2: Establish a Staff Qualification Plan
The MBNMS dive team is part of the NOAA Dive Program. The MBNMS dive team currently consists of one Working Diver. MBNMS utilizes the service of the Dive Supervisor on staff at the NOAA National Marine Fisheries (NMFS) Lab located in Monterey. MBNMS utilizes the service of the Dive Master on staff at the NMFS Lab located in Santa Cruz.

Research divers certified through the University of California (Santa Cruz) and the California State University (Moss Landing Marine Laboratories) may also participate in NOAA diving operations under reciprocal diving agreements.

In order to operate a full dive team, MBNMS requires a staff member that is qualified as a Dive Master and a minimum of three staff members that are qualified as Working Divers.

MBNMS staff that hold PADI or NAUI dive qualifications may also apply to participate in NOAA diving operations as Working Divers. The Program Operations Coordinator will identify the qualification levels of the MBNMS staff members who are interested in attaining NOAA diving status and develop a plan for these staff members to gain that status.

The Program Operations Coordinator will also identify the MBNMS staff members who are interested in basic or advanced dive qualifications and will develop a plan for these staff members to attain those qualifications in order to ultimately gain NOAA Working Diver status.

The MBNMS Diving Representative on the SAC has generously offered to help MBNMS achieve these dive qualification goals.

Activity 7.3: Improve Outreach Efforts to the Local Dive Community in Order to Foster Collaborative Working Relationships

Activity 7.4: Develop Reciprocity Agreements with Other Research Diving Programs to Facilitate Collaborative Research

Strategy OA-8: Aircraft Operations

The MBNMS conducts aircraft operations in support of Sanctuary management, research, education, and enforcement programs. Field operations enable MBNMS staff to maintain a direct connection to the resources they are charged to protect and provide real-time assessment of conditions in the Sanctuary. MBNMS staff spend hundreds of hours in the field each year performing scientific research, collecting information for educational programs, monitoring various human activities and natural phenomenon, and conducting enforcement surveillance, investigation, and response.

The Monterey Bay and Channel Islands National Marine Sanctuaries have, in the past, shared a NOAA aircraft. The plane is presently stationed in Santa Barbara and is working mostly for CINMS. The former Air Force single engine plane, a Lake Amphibian, is scheduled to make weekly trips around each Sanctuary, although it has not flown a mission for the MBNMS in over a year.

The aircraft available is a Lake Amphibian "Sea Wolf" LA-27 (single engine) that can carry three observers and a pilot. The typical range of the aircraft is only 20 miles offshore, which limits its use for MBNMS. The aircraft is equipped with two bubble viewing windows that provide excellent downward visibility and can be used with single lens or video cameras.

Aircraft operations in the MBNMS are used to:

- Monitor activity and resources
- Survey Sanctuary users
- Conduct vessel traffic studies
- Observe the effects of shore runoff
- Perform aerial surveys during oil spill emergencies
- Collect data on both marine mammals and the kelp forest
- Record sightings with photography and video
- Turtle tagging operations

Based on the needs determined by the other JMPR action plans, MBNMS will develop a plan for aircraft operations in the Sanctuary to meet research, monitoring, resource protection and enforcement needs.

Activity 8.1: Conduct a Needs Assessment Based on the Revised Sanctuary Management Plan
The current plan to share the CINMS aircraft is not meeting the aircraft operations needs of the MBNMS. The CINMS aircraft is not only too far away to provide rapid response (i.e., within one hour), but aircraft time must also be scheduled, eliminating its availability for response to oil spills and other emergency operations. The range of the CINMS aircraft is also insufficient to conduct aircraft operations to the farthest extent of the MBNMS.

In order to meet MBNMS aircraft operations requirements, MBNMS will investigate cooperative agreements with other local agencies that have sufficient aircraft available.

Potential Partners: Civil Air Patrol, USCG, USCG Auxiliary, CDFG, NMFS.

MBNMS will also coordinate with the NOAA regional facilities coordinator to investigate MBNMS requirements to support an aircraft of its own.

Activity 8.2: Based on Needs Assessment, Develop and Implement Aircraft Operations Plan
MBNMS aircraft operations would require a twin engine, high wing, propeller or turbo-prop aircraft that is built for observations, including bubble windows and observation software. The aircraft must be able to fly slowly and remain aloft for extended periods. Perhaps a twin otter or a NOAA Shrike would meet the MBNMS needs.

If MBNMS were allocated an aircraft, it would also require a NOAA pilot or another pilot with qualifications that allow NOAA personnel on board.

MBNMS would also require hangar space and a maintenance contract or mechanic.

Strategy OA-9: Permit Program

Background
The MBNMS has ten prohibitions that are designed to prevent injury to Sanctuary resources. The objectives of the MBNMS permit program are to provide a mechanism to review requests to conduct prohibited activities within the region, and where possible, permit or authorize their conduct in such a way as to have only negligible, short-term adverse effects on MBNMS resources or qualities. The permit program provides a mechanism to develop modifications or conditions on proposed projects, which will reduce impact to Sanctuary resources. Or, if necessary after the review, to deny permit or authorization requests to protect MBNMS resources.

Activities Subject to Regulation
Currently, approximately sixty requests per year are received to conduct these prohibited activities. The number of requests has grown each year since MBNMS designation in 1992. Generally these requests are for research or education purposes, but may also be for the conduct of an activity otherwise prohibited, but authorized by another agency permit, such as overflights or coastal construction. The MBNMS evaluates these requests on a case-by-case basis in detail to determine if the activity would have only negligible short-term adverse effects on Sanctuary resources or qualities. If the proposed activity meets that criteria, than a permit or authorization is granted to the applicant.

As stated in the MBNMS designation document, a person may conduct an activity prohibited by §922.132(a)(1) as it pertains to jade collection in the Sanctuary, and §922.132(a) (2) through (8), and §922.132(a) (10), if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and 922.48. Since 1992, requests for conduct of prohibited activities most often entail seabed alteration, discharges, or overflights.

Permits
Management, research, and education permits are issued by the Sanctuary Superintendent for resource management, research, and education related activities that are otherwise prohibited by Sanctuary regulations. The Superintendent can issue such permits if he/she determines that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will:

- Further research related to Sanctuary resources and qualities
- Further the educational, natural, or historical resource value of the Sanctuary
- Further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty
- Assist in managing the Sanctuary
- Further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of California

Special Use Permits
There are some prohibited activities that, when conditioned or modified in a certain manner to avoid impacts, such as by season or geographic location, are not likely to adversely impact a

Sanctuary resource. Several of these activities are of a nature that does not qualify them for other NMS permits because the proposed activity is not for the purpose of resource management, research or education. However, they may meet the statutory conditions for Special Use Permits. Special Use Permits are generally designated for instances where a commercial "use" of the MBNMS is proposed, and are used when a typical MBNMS permit would not be applicable. Therefore, Special Use Permits may be issued for the narrow range of activities that are both prohibited by NMSP regulations and will result in no adverse effect to the Sanctuary resource or qualities, and thus, must meet a higher standard than other categories of permits. The MBNMS recently nominated various activities for which it could consider issuing a special use permit in a Draft Federal Register notice[5] by the NMSP to identify program wide uses for special use permits. These activities are:

- The disposal of cremated human remains by a commercial entity
- Commercial and private overflights in restricted zones
- The placement on and subsequent recovery from the seafloor of objects associated with public events or uses on non-living substrate
- The deposit and immediate recovery of objects related to special effects of motion pictures
- The continued presence of commercial submarine cables on or beneath the seafloor

The provisions for issuing special use permits as outlined in the NMSA, allow the NMSP to recover the administrative costs of issuing the permit and for general expenses of managing the Sanctuary. The MBNMS will discern when fees are suitable to be levied for this purpose. These include:

- The costs incurred, or expected to be incurred, by the MBNMS in issuing the permit
- The costs incurred, or expected to be incurred, by the MBNMS as a direct result of the conduct of the activity for which the permit is issued, including the costs of monitoring the conduct of the activity
- An amount that represents the fair market value of the use of the Sanctuary resource

MBNMS currently charges a rate of $500 per day, per site for Special Use Permits. This fee is levied in addition to fees calculated using the GS pay scale, benefits, overhead for facilities, monitoring and all other associated non-administrative costs for permit preparation and issuance.

Authorizations
When the MBNMS was designated in 1992, it was recognized that other agencies had regulatory authority that interfaced with MBNMS regulations. Activities that were prohibited in the MBNMS, but were not proposed for "resource management, research or education purposes" could none the less be permitted by these agencies. Thus, MBNMS regulations included an ability to "authorize" other agency's permits to allow otherwise prohibited activities, provided the Sanctuary Superintendent can determine the activity will have only negligible short term adverse effects on Sanctuary resources and qualities. An authorization must be issued in conjunction with a valid lease, permit, license, approval or other authorization issued by any Federal, State, or local authority of competent jurisdiction. Typically, MBNMS staff coordinate with the agency issuing the original permit to address concerns of the Sanctuary. If the original

agency does not impose conditions MBNMS staff believe are essential, then the Sanctuary may impose specific conditions or terms in issuing its authorization.

The authorization process is intended to be a streamlining measure that would alleviate the need to get permits from multiple government agencies. The MBNMS examines these requests from an ecosystem-based perspective, whereas other agencies have a narrower, more focused mandate. Authorizations allow for a more integrated process among agencies with overlapping jurisdictions. The September 18, 1992 Federal Register outlines the process for notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity. The MBNMS has several procedural options when issuing authorizations, which are outlined in Activity 9.5 of this Strategy.

Authorizations of projects which may affect water quality are conducted under a Memorandum of Agreement (MOA) between NOAA, the State of California, the Environmental Protection Agency, and the Association of Monterey Bay Area Governments (AMBAG) regarding the Sanctuary regulations relating to water quality within State waters within the MBNMS. This MOA prohibits any permit from being renewed or otherwise issued allowing the discharge of primary-treated sewage within the Sanctuary. With regards to permits, the MOA encompasses:

- National Pollutant Discharge Elimination System (NPDES) permits issued by the State of California under section 13377 of the California water Code
- Waste Discharge Requirements issued by the State of California under section 13263 of the California Water Code

The MOA specifies how the MBNMS authorization process will be administered within State waters within the MBNMS in coordination with the State permit program.

Activity 9.1: Maintain Review of Projects via the Permit Program
In order for the MBNMS to understand, measure, and control all otherwise prohibited activities within the Sanctuary, and to minimize the cumulative impacts of these activities, the MBNMS will continue and improve its permit program, including:

A. Continue to evaluate permit requests on a case-by-case basis by conducting environmental review to evaluate potential impacts and issue or deny permits accordingly
B. Continue tracking relevant projects that may require a permit, as well as evaluating environmental documents and coordinating with other scientists in an effort to discern potential impacts
C. Develop modifications and conditions on projects to reduce impacts to MBNMS resources, and communicate with applicants regarding procedures and operations
D. Monitor permitted activities to ensure compliance with permit conditions, and increase the current level of monitoring to encompass a broader number of permits. This could be better accomplished by developing partnerships with other regulatory agencies to meet this goal
E. Require that Permittees provide MBNMS with the data and results gained through research conduced with research permits, to enrich knowledge of the ecosystem, helping MBNMS to better manage the resource

F. Work with others to develop, maintain and refine use of a searchable GIS database for permit data including locations of permitted activities and type of permit or authorization issued. This is particularly important for priority concern issues such as overflights or coastal armoring. Working in collaboration with other agencies that issue permits for such activities is a likely nexus
G. Continue to provide a bi-monthly permit report to the SAC and the public via the MBNMS website, http://montereybay.noaa.gov/intrOAdvisory/advisory.html

Activity 9.2: Improve Coordination and Consistency with Regulatory Agencies
MBNMS staff will coordinate with other regulatory agencies issuing permits to ensure consistency with applicable laws. The MBNMS complies with NOAA's Administrative Order 216-6, which requires all proposed projects to be reviewed with respect to environmental consequences by identifying that MBNMS permits will only be issued for those activities that have only negligible, short-term, adverse effects on MBNMS resources and qualities, and will further research, education, salvage operations, or management. Once the MBNMS concludes that the proposed action would not have a significant effect, individually or cumulatively, on the environment, and that the action is of limited size or magnitude, then the permit shall be issued by the Sanctuary Superintendent, and his designee shall prepare a record which states that the activity is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement. If it is not clear that a proposed activity is categorically exempt, then greater environmental analysis is required.

A. Compile a list of potential permitted activities in the EIS for the revised MBNMS management plan, which would be categorically excluded from further NEPA review
B. MBNMS staff shall coordinate with other regulatory agencies to ensure that other-agency permits are consistent with MBNMS regulations. If inconsistencies exist, they may be rectified by incorporating or referencing MBNMS regulations and rules
C. MBNMS regulations §922.132 (b) state that Sanctuary prohibitions do not apply to activities necessary to respond to emergencies threatening life, property, or the environment. Occasionally the MBNMS is presented with actions by other agencies or individuals that are deemed by that body to be an "emergency". As always, any question or interpretation of MBNMS regulations shall be interpreted and resolved by the MBNMS. The MBNMS will continue to decide when prohibited actions of this sort qualify for exception under MBNMS regulations

Activity 9.3: Streamline Research Permit Process
The MBNMS is interested in more efficiently allowing for research activities, that are otherwise prohibited, which will have minimal project specific impacts on Sanctuary resources and qualities.

A. Identify research activities that will have insignificant impacts on Sanctuary resources and qualities and develop a de minimus threshold for these activities
B. Develop a process to promptly issue permits for such de minimus activities. This process may include the development of a streamlined application form
C. Improve the application process to provide ease. This may include consideration of a simple form in which applicants can submit concise and relevant information

D. The MBNMS has recently issued a permit to MBARI that includes many activities conducted by the organization under one permit. This permit is locally referred to as an "institutional research permit," in that it covers many activities conducted by many researchers affiliated with the institution. Encourage greater participation of institutional research permits by universities or other research institutions

Activity 9.4: Conduct Outreach About the Permit Process

The MBNMS is concerned that many prohibited activities, which may qualify for a permit, are being conducted without proper approval.

A. Provide sufficient outreach to ensure that all parties wishing to conduct prohibited activities within the MBNMS apply for a permit or authorization
B. Conduct outreach through the MBNMS Research Activities Panel to educate local scientists on the MBNMS permitting process
C. Conduct outreach to the business and construction community through the MBNMS Business and Tourism Panel to educate local business owners on the MBNMS permitting and authorization process
D. Identify additional staffing resources that may be necessary to adequately meet the goals listed above
E. Explore partnering with the ESWEER on their coastal decision maker program

Activity 9.5: Improve Website Information

The MBNMS improve website and information so that potential permittees are better able to understand the permit program and application process.

A. Update the website to ensure that other-agency information about prohibited activities and permit contacts is current
B. Include a checklist of all acts and other agencies that may issue a particular permit so that the applicant is made aware of other applicable laws or regulations This website information will increase education about other state or federal authorizations or permits which may be required for the conduct of certain activities

Activity 9.6: Improve Authorization Coordination

The MBNMS reviews authorizations on a case-by-case basis. The opportunity exists to improve the inter-agency coordination required of this process.

A. Examine ways to streamline the authorization process by improving coordination and discussions with other regulatory agencies to ensure that other-agency permits are consistent with the MBNMS mandate of ecosystem protection
B. Continue to issue authorizations to conduct prohibited activities, where appropriate. The MBNMS shall continue to utilize the following three options when issuing authorizations; as outlined in the September 1992 Federal Register at §944.11 and summarized below:

- The MBNMS Superintendent notifies the applicant and authorizing agency that he does, or does not, object to issuance of the authorization
- If the MBNMS does not object to the project, the MBNMS may ask the primary permitting agency to include special terms or conditions on the other agency's permit license, approval or authorization permit that alleviates damage to MBNMS resources or qualities
- If the primary permitting agency will not include MBNMS special conditions in the permit, or there is insufficient time for that to occur, then the MBNMS Superintendent imposes terms or conditions to the applicant through a separate MBNMS authorization.

Activity 9.7: Develop a Fee Process and Clarify Description of Fair Market Value for the Special Use Permit Process

The MBNMS should coordinate with the NMSP headquarters to develop the fees associated with Special Use Permits as it pertains to fair market value. This consideration will help determine the value of using the resources, often for commercial gain, while ensuring that the MBNMS is able to recoup any costs that may be associated with permit issuance. The MBNMS will evaluate when fees are appropriate to be levied for this purpose.

Activity 9.8: Develop a Permit Compliance Program

The MBNMS issues about 60 permits or authorizations a year, with approximately 15 conditions on each permit. Each condition requires the permittee to take or avoid an action. Often, these include special construction or operations strategies to reduce or avoid impacts to MBNMS resources. Most permits require one or more report(s) to be produced. MBNMS staff rarely have time to conduct site visits or review required reports.

Without a program to review compliance with permits and their conditions, MBNMS staff do not know if conditions are being complied with. This may mean impacts are occurring that were to have been avoided, and not reviewing compliance can preclude making improvements for permits and permit conditions.

The MBNMS will develop a permit compliance program to track permittee compliance. It will include a mechanism to improve future permits based on results of compliance monitoring.

Activity 9.9: Strengthen Enforcement

It is critical to strengthen the availability of surveillance and enforcement capabilities, and to increase the visibility of Sanctuary enforcement to ensure protection of the resources, and to enhance outreach, streamlining, and inter-agency coordination efforts.

A. Increase the field presence of MBNMS enforcement to detect the occurrence of un-permitted activities in an effort to ensure greater protection of the Sanctuary
B. MBNMS Enforcement Officer will monitor activities permitted within the MBNMS to ensure compliance with MBNMS permit requirements
C. MBNMS Enforcement Officer will coordinate with other regulatory agencies involved to monitor activities authorized within the MBNMS to ensure compliance with MBNMS permit requirements

D. Improve inter-agency coordination on enforcement to leverage field efforts including MBNMS, California Department of Fish and Game, State Parks, and local police
E. MBNMS staff will finalize and use a summary settlement process, which would allow tickets or fines to be levied to offenders conducting prohibited activities without a permit or authorization

Potential Partners: NOAA Fisheries, State Parks, Department of Fish and Game, other regulatory agencies, and non-profit organizations such as Team OCEAN or BAY NET, academic and other research institutes.

Strategy OA-10: Minor Regulatory Changes

This plan identifies minor regulatory changes that are necessary to clarify inconsistencies in the existing Sanctuary regulations and to more effectively protect the resources of the Monterey Bay National Marine Sanctuary

Background
There are a number of smaller regulatory changes required to address gaps in resource protection that have been identified over the last ten years. As part of the JMPR process, the Sanctuary will also address these minor regulatory changes to both clarify inconsistencies and ambiguities in the existing Sanctuary regulations as well as create new minor regulations. The narrow focus of these changes coupled with Sanctuary resource limitations means that they are more appropriately addressed by an internal team than a public working group. Any eventual regulatory changes, whether proposed by a working group or internal team, will be subject to all agency rulemaking requirements, including compliance with the Administrative Procedure Act, and the National Environmental Policy Act.

> **Staff Note:** This Action Plan identifies specific inadequacies of present regulations, the problems that have resulted, and how they might be resolved. Staff recommendations on how these issues might be addressed are preliminary and the SAC's input is being sought. The process to propose regulatory changes would include drafting specific regulatory text changes with the National Marine Sanctuary Program and NOAA General Counsel before release in the

Activity 10.1: Protect MBNMS Resources from Threats Related to Vessel Groundings
The Sanctuary must take costly action to remove the threat of oil spills, discharges, and debris related to the breakup of grounded vessels when a vessel owner does not take sufficient action on their own, or when a Federal, U.S. Coast Guard, State agency, or State Office of Spill Prevention and Response (OSPR) cannot fund the removal and remediation. In many years this has exceeded $100,000 per year. This strategy is intended to initiate the process to propose regulatory language that would prohibit the abandonment of a vessel anywhere within the Sanctuary. This proposed language would also allow Sanctuary enforcement to compel preemptive action by vessel owners to remove harmful substances from those abandoned or grounded vessels before a discharge occurs.

A. *Propose regulations prohibiting the abandonment of a vessel within the Sanctuary.*
Current Regulation:
"§922 .132 (a)(4) prohibits: "Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary, except as an incidental result of: (i) Anchoring vessels…."

Current regulations allow the Sanctuary to issue citations to vessel owners who abandon grounded vessels and to pursue civil actions for the cost of salvage. However, vessels that are abandoned adrift or at anchor often pose an imminent threat to Sanctuary resources. The MBNMS will propose additional regulatory language that would prohibit the abandonment of a vessel anywhere within the Sanctuary and would allow enforcement to

compel an owner to secure the vessel or arrange for its removal before harm to sanctuary resources occurs.

B. *Ensure that owners of abandoned or grounded vessels are required to remove harmful substances from the grounded vessel.*
Current regulations prohibit discharges into the Sanctuary; however, they do not require the preemptive removal of harmful substances from grounded or abandoned vessels. Often vessels that ground within the Sanctuary are carrying substances such as fuel, oil, paints, resins, and solvents. The Sanctuary needs to have the ability to require salvage crews and owners of grounded vessels to remove such materials before they harm Sanctuary resources. MBNMS staff will work with NOAA General Counsel to propose measures that would both define the harmful substances of concern and the necessary efforts required for their removal from abandoned or grounded vessels.

Activity 10.2: Protect MBNMS from Harmful Discharges

Over the last ten years, a number of threats to Sanctuary water quality have been identified. As noted, many of the more significant issues are being addressed by specific working groups. However, clarifications of current regulations and regulatory intent still need to be made.

A. *Clarify what constitutes "routine vessel operation" as it relates to vessel discharges. This may require adding a new definition.*
Current regulation:
"§922.132(a)(2)(i)(c) of the Sanctuary regulations prohibit "discharging or depositing, from within the boundaries of the Sanctuary, any material or other matter except: (C) water generated by routine vessel operation (e.g., cooling water, deck wash down and graywater as defined by §312 of the FWPCA, 33 U.S.C. 1322 et seq. Excluding oily wastes from bilge pumping.)"

While current regulations prohibit the discharge of any oily wastes from bilge pumping, certain vessels employ technology that filters this oil down to below 15ppm. Questions have arisen as to whether this still would constitute "oily discharge." The current prohibition on discharge will be strictly interpreted to mean no oily discharge, and this may need to be amplified in a new definition of "routine vessel discharges." Additionally, the current regulation is silent in regards to ballast water, which can be a source of harmful discharges including introduced species. The regulatory intent should be clarified to indicate that ballast water does not fall under the exception for "routine vessel discharges" because, like oily bilge water, ballast water can have a significant impact. Thus, the discharge of ballast water should be prohibited throughout the Sanctuary.

B. *Clarify that vessels are required to use marine sanitation devices throughout MBNMS waters and develop means to facilitate enforcement.*
Current Regulation:
§922 .132 (a)(2)(b)
"Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 et seq.;"

There is a common perception that marine sanitation devices (MSDs) are required to be used only within three nautical miles of the coast. Clarification in the regulations needs to be made that this requirement noted in the existing regulations is applicable throughout all Sanctuary waters. Additionally measures such as requiring locks on valves preventing direct discharge of sewage may facilitate enforcement of this regulation by the Coast Guard. The Sanctuary will explore additional measures to allow for efficient and effective enforcement.

C. *Clarify the meaning of "from within" vs. "from beyond" the boundaries of the Sanctuary*
With certain exceptions, current regulations prohibit the discharge of any material into the Sanctuary from within its boundaries. Regulation also prohibits releases of the same materials from beyond the boundaries of the Sanctuary, provided that they subsequently "enter and injure" a Sanctuary resource or quality. However, if someone stands above the Mean High Water Line and throws a pollutant into the Sanctuary it is not clear if that discharge is "from within" or "from beyond." Clarifying when it is necessary for an enforcement action to meet this additional evidentiary burden will assist in the consistent application of the regulations and will give guidance to the public regarding what constitutes a violation regardless of demonstrable harm. For instance, a discharge from a boat into the Sanctuary is typically considered "from within."

Activity 10.3: Clarify Overflight Regulations

The current regulation states that: Flying motorized aircraft, except as necessary for valid law enforcement purposes, at less than 1000 feet above any of the four zones within the Sanctuary is prohibited. The four zones are:

(1) From mean high water out to three nautical miles (NM) between a line extending from Point Santa Cruz on a southwesterly heading of 220 degrees and a line extending from 2.0 NM north of Pescadero Point on a southwesterly heading of 240·;

(2) From mean high water out to three NM between a line extending from the Carmel River mouth on a westerly heading of 270 degrees and a line extending due west along latitude 35·33'17.5612" off of Cambria;

(3) From mean high water and within a five NM arc drawn from a center point at the end of Moss Landing Pier; and

(4) Over the waters of Elkhorn Slough east of the Highway One bridge to Elkhorn Road.

A. *Issue*
To clarify whether the bearings for overflight restriction zones are measured in true or magnetic.

Intended Change
Bearings should be measured in true as magnetic fields are subject to gradual degradation. Pilots navigate using aeronautical charts, which don't show Sanctuary boundaries, however; many aircraft are now equipped with GPS, so MBNMS should clarify the overflight boundaries with lat/long points.

B. *Issue*
To clarify whether overflight restriction zones extend out from a literal 3nm buffer from shore or to the seaward limit of state waters.

Intended Change
The NOAA 3 nm limit is based on MHW while the State Lands Act limit is based on mean low water. MBNMS will use the NOAA 3 nautical mile limit for consistency, as it is the standard for national marine sanctuaries, is available on nautical charts, and is easier to enforce.

Strategy OA-11: Minor Boundary Shifts

There is a need for minor regulatory changes that adopt known, necessary adjustments to Sanctuary boundaries. MBNMS will clarify its boundaries in specific cases such as, entrances to river mouths where the Mean High Water Line (MHWL) is not clearly delineated and entrances to harbors where fixed points provide a clearer delineation than the International Collision at Sea Regulation (Colreg) line at harbor mouths. Specifically some issues include clarifying the shoreward boundary line across the entrances to annual and seasonal streams and lagoons, including the shoreward boundary for Elkhorn Slough and that part of Pescadero Marsh that is included within Sanctuary boundaries. Another modification requires altering the boundary at Santa Cruz Harbor to include the coastline between Pt. Santa Cruz and the West Small Craft Harbor Jetty tip within the Sanctuary. Discussion of potential boundary modifications to include Davidson Seamount can be found in Ecosystem Protection – Davidson Seamount Action Plan.

MBNMS will create charts of current boundaries as compared to minor boundary shifts, as well as provide a list of changed boundary points.

Current language in the Code of Federal Regulations (CFR) defining MBNMS Boundary

> "The northern terminus of the boundary is located along the southern boundary of the Gulf of the Farallones National Marine Sanctuary (GFNMS) and runs westward to approximately 123º 07´ W. The boundary then extends south in an arc, which generally follows the 500-fathom isobath. At approximately 37º 03´ N, the boundary arcs south to 122º 25´ W, 36º 10´ N, due west of Partington Point. The boundary again follows the 500 fathom isobath south to 121º 41´ W, 35º 33´ N, due west of Cambria. The boundary then extends shoreward towards MHWL. The landward boundary is defined by the MHWL between the GFNMS and Cambria, exclusive of a small area off the north coast of San Mateo County and the City and County of San Francisco between Point Bonita and Point San Pedro. Pillar Point, Santa Cruz, Moss Landing and Monterey harbors are excluded from the Sanctuary boundary shoreward from their respective International Collision at Sea Regulations (Colreg.) demarcation lines except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge is included within the Sanctuary boundary. The boundary coordinates are listed in appendix A to this subpart."

Activity 11.1: Incorporate Technical Changes from Internal NMS Boundary Working Group

The following changes were addressed and agreed upon in the document, "Agreements on Boundary Issues for Monterey Bay NMS," by an internal NMSP working group convened to clarify the coordinates of the boundaries of the MBNMS in accordance with the intent of the designation document. These technical changes shall be considered final upon approval of this JMPR.

A. *Correction of discrepancies in shared MBNMS/GFNMS boundary.*
   The original MBNMS boundary description in the CFR indicates that the northern boundary of the MBNMS is located along the southern boundary of the GFNMS. However, the coordinates listed in the CFR for the northern MBNMS boundary differ

slightly from the coordinates in the CFR for the southern GFNMS boundary. These differences create small overlaps and gaps of up to approximately 850 feet where the MBNMS and GFNMS boundaries are supposed to meet. Since the GFNMS was designated prior to the MBNMS designation, the northern boundary coordinates of the MBNMS (coordinates 1-9) at 15 CFR 922 (Appendix A to Subpart M) will be changed to match the southern boundary coordinates of the GFNMS (coordinates 22-30) listed at 15 CFR 922 (Appendix A to Subpart H).

B. *Clarification of inshore boundary line*

The coastal boundary of the MBNMS is currently defined as the Mean-High-Water Line (MHWL), excluding certain bodies of coastal water. Colreg lines are referenced to define these exclusions for harbors, but no coordinates are listed that define the boundary lines for MHWL.

The NOAA definition of Mean-High-Water: the average of high tides over the previous 18.6 years[6], will be added to MBNMS regulations at 15 CFR 922.131.

C. *Improved precision in MBNMS boundary at harbor entrances*

Enclosed harbor areas were excluded from the Sanctuary in the original designation. Consequently, the Sanctuary boundary generally proceeds along the seaward edge of breakwaters, jetties, and piers that frame protected harbor areas, crossing the harbor entrance along an invisible line known as the International Collision at Sea Regulation (Colreg) line. Colreg lines are established by Coast Guard regulations to delineate where U.S. navigation rules end and international navigation rules begin. Existing Colreg lines were used at the time of Sanctuary designation as ready and convenient boundaries to separate enclosed harbor areas from Sanctuary waters. However, Colreg lines are established for quick recognition by mariners and are accordingly defined by broad visual descriptors, like the line-of-sight from the end of a wharf to the tip of a jetty. The MBNMS has found that Colreg lines lack a necessary precision when applied as Sanctuary boundary references for regulatory and enforcement purposes.

The reference to Colreg lines will be removed from the CFR description of Sanctuary boundaries. The MBNMS will develop new descriptions of the Sanctuary boundary at harbor entrances using fixed coordinates and more precise descriptors. These descriptions will be based upon the position of Colreg lines as depicted on the most current nautical charts available on the date of MBNMS designation (September 18, 1992), with the exception of Santa Cruz Harbor (see Activity 11.3 below).

- Pillar Point Harbor

Suggested Point 1 and Suggested Point 2 will be generated at the intersection of Colreg. Line 80.1140 and the breakwaters located at the entrance of Pillar Point Harbor.

- Monterey Harbor

Monterey Harbor is described within the CFR as being excluded from the Sanctuary boundary shoreward from the Colreg line. No such Colreg line is adequately depicted on available nautical charts. United States Coast Guard Navigation Rules describes a line drawn from Monterey Harbor Light 6 to the northern extremity of Monterey Municipal Wharf 2.

The Colreg line at time of designation will be used to define this line. The boundary line will run between the Monterey Harbor light 6 and to the northeastern corner of the Monterey Municipal Wharf 2 and along its eastern edge to the MHWL.

D. *Definition of shoreline boundary as it crosses the mouths of rivers and streams*
The original description of MBNMS boundaries identifies the landward boundary as the MHWL between the GFNMS and Cambria, but it provides no guidance for determining where the boundary line crosses rivers and streams that intersect the coastline. Many of the waterways draining into the Sanctuary are seasonal streams and lagoons. Some are generally open to the sea during the wet season and are subject to upstream tidal influence, while they typically cease flow into the Sanctuary during the dry season due to reduced water tables and sand berms that form at their mouths.

The MBNMS will establish two reference points (by coordinates) on either side of each major waterway intersecting the coastline using (in order of priority): 1) NOS t-sheets, 2) NOAA nautical charts at the largest available scale, 3) USGS topographic maps, or 4) hand held differential GPS units. The virtual line formed between the two selected points will define the shoreline boundary of the Sanctuary as it crosses the mouth of the waterway. Fixed reference points will be selected with consideration to coastal erosion and accretion rates to ensure that they remain viable despite near-term geological changes.

E. *Inclusion of wetland estuaries within the Sanctuary boundaries*
It has been unclear whether the MBNMS boundary extends upstream to the furthest extent of tidal influence or crosses the mouths of these waterways at some given point. The Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement and Management Plan (FEIS/MP) for the Monterey Bay National Marine Sanctuary do not present consistent descriptions of intent regarding the inclusion or omission of seasonal marine habitats within Sanctuary boundaries. Ambiguities within and between these documents present evidence for three possible interpretations concerning the intended inclusion/exclusion of these habitats within Sanctuary boundaries. The MBNMS will review applicable designation documents to determine which of the following three options best represents the intent of the final Sanctuary designation. Some field work may also be necessary. MBNMS staff will then revise the boundary definition to clearly delineate the Sanctuary landward boundary relative to all seasonal streams and lagoons.

- Option 1: Inclusion of all annual and seasonal marine estuaries, sloughs, and wetlands
  Under this option, Elkhorn Slough, Pescadero Marsh and major annual and seasonal marine estuaries, lagoons, and wetlands (e.g. Salinas River Lagoon, Big Sur River Mouth) draining into the Sanctuary would be included within the boundaries of the MBNMS. The DEIS lists several specific rivers, estuaries, and wetlands in the description of boundary alternative B. The FEIS/MP adds “estuaries and sloughs” as a new habitat category in the Sanctuary Resources section, repeats and expands upon the list of specific waterways identified in boundary alternative B of the DEIS, and possibly

implies the inclusion of waterways other than Elkhorn Slough and Pescadero Marsh within the boundaries of the MBNMS. If this option is adopted, the Sanctuary landward boundary at selected marine estuaries, lagoons, and wetlands would be fixed at the MHWL or the landward extent of tidal influence.

- Option 2: Inclusion of Elkhorn Slough and Pescadero Marsh
  Under this option, Elkhorn Slough and Pescadero Marsh would be the only inland waterways included within the boundaries of the MBNMS. The DEIS and FEIS/MP both list Pescadero Marsh together with Elkhorn Slough as areas for inclusion within boundary alternatives B and F, which were ultimately incorporated into the current boundaries of the Sanctuary. Pescadero Marsh is not explicitly described as part of the Sanctuary in the boundary description of the final MBNMS regulations. If this option is adopted, the Sanctuary landward boundary at Elkhorn Slough and Pescadero Marsh would be fixed at the MHWL or the landward extent of tidal influence.
- Option 3: Inclusion of only Elkhorn Slough
  Under this option, Elkhorn Slough would be the only inland waterway included within the boundaries of the MBNMS. Elkhorn Slough is clearly described as part of the Sanctuary in the boundary description of the final MBNMS regulations. It was also consistently identified in the DEIS and FEIS/MP as an essential habitat area for inclusion within the Sanctuary. If this option is adopted, the Sanctuary landward boundary at Elkhorn Slough would be determined in accordance with the methods described in item F below.

F. *Clarification of landward Sanctuary boundary within Elkhorn Slough*
The CFR boundary description for the MBNMS states that all of Elkhorn Slough east of the Highway One Bridge is included within the Sanctuary boundary. The description, however, does not explicitly identify the landward boundary of the Sanctuary within the slough.

NOS t-sheets (where available) and USGS topographic maps will be used to determine the MHWL in Elkhorn Slough. This line will serve as the landward boundary for the MBNMS. The textual boundary description will be revised to indicate that the MHWL in the Elkhorn Slough is the boundary. The location of the tide gate (which existed at the time of designation where Elkhorn Slough crosses under Elkhorn Road) will be identified as the inland terminus of the Sanctuary boundary in the slough. The boundary description will also be revised to clarify that the portions of Parsons Slough within the Elkhorn Slough National Estuarine Research Reserve are excluded from the Sanctuary pursuant to 15 CFR 921.4.

G. *Clarification of 15 CFR 922.130 Reference to List of Boundary Coordinates*
The clarifying word “seaward” will also be added before “boundary” in the last sentence of the CFR textual boundary description.

Activity 11.2: Extend the Boundary to Include Santa Cruz Harbor

The current Sanctuary landward boundary ends at the Santa Cruz Harbor Colreg line, which stretches between the West Breakwater Light at the entrance to the small craft harbor to the Point Santa Cruz Lighthouse. The nearshore area off the Santa Cruz main beach and wharf is therefore not within the Sanctuary. The Santa Cruz City Council has passed a resolution adopting Sanctuary prohibitions as City ordinances and requesting that NOAA take appropriate action to include those waters within the Sanctuary. Apparently, when Colreg lines were chosen as a convenient instrument to define Sanctuary boundaries relative to harbors, the fact that the Santa Cruz Colreg line extended far beyond the narrow entrance to the small craft harbor was overlooked by both the City and NOAA. Until the discrepancy was noted in 1996, it was generally assumed that the coastal waters landward of the Colreg Line were fully part of the MBNMS.

The MBNMS will redefine the Sanctuary shoreline boundary at Santa Cruz Harbor as a virtual line extending from the tip of the East Breakwater to the center of the West Breakwater Light at the entrance to the small craft harbor[7]. Precise coordinates will be established for the boundary in accordance with Activity 11.1 C above. The area between the West Breakwater Light and Point Santa Cruz Lighthouse will then become part of the MBNMS, consistent with the original intent of MBNMS designation.

Activity 11.3: Possibly Extend the Southern Boundary Southward to Protect Maritime Heritage Resource* USS MONTEBELLO *and to Make it Contiguous with University of California Marine Reserve Boundary

A recommendation arose from the cross-cutting working group for Maritime Heritage Resources to consider moving the southern MBNMS boundary at Cambria, approximately 1.6 nm south in order to protect the culturally significant USS MONTEBELLO, sunk by a Japanese submarine during World War II. Aligning it with the University of California S. Norris Rancho Marino Natural Reserve at 1.3 nm south of the current boundary would provide opportunities for consistent protection between land and sea. See Cross-Cutting Issues – Maritime Heritage Resources Action Plan.

Strategy OA-12: Interagency Program Review

Strategy Description
The goal of this strategy is to address the need to provide policy guidance to local, state and federal agencies and stakeholders in order to implement the resource protection, education, and research programs, policies, and regulations of the MBNMS. This occurs often through commenting on other agency's programs, policies, and regulations during public processes such as general plan updates, local coastal plan updates, fishery management plan development.

Activity 12.1: Conduct Outreach to Agencies and Stakeholders
MBNMS Staff will provide ongoing guidance to local, state, and Federal agencies, developers, and the public at large through targeted issue specific outreach programs.

Activity 12.2: Review and Comment on Local Land Use Decisions
MBNMS Staff will track and evaluate local and regional land use decisions where coastal development may negatively impact MBNMS resources.

Activity 12.3: Review and Comment on Local Coastal Program Updates
MBNMS staff will work with Local Coastal Program updates to improve existing policies, and incorporate these guidelines where possible.

Activity 12.4: Review and Comment on Fishery Management Plan Updates
MBNMS staff will work with fishery managers and fishery management agencies as updates to existing fishery management plans occur or new fishery management plans are proposed.

Activity 12.5: Testify at Local Hearings on Issues Affecting the MBNMS
MBNMS staff will offer comment and testimony at public workshops or hearings where decisions are being made or input is being sought regarding a decision that has the potential to affect the resources or qualities of the MBNMS.

Activity 12.6: Review and Comment on Other Plans and Projects
MBNMS will also review and comment on other types of plans, projects and policies which may impact Sanctuary resources.

Citations

1 MBNMS Interim Boat Operations Guidelines, May 2001.

2 Memo: Board of Review Report - Fatality - NOAA Ship RAINIER S221. Vice Admiral Lautenbacher, December 27, 2002

3 Memo: Board of Review Report - Fatality - NOAA Ship RAINIER S221. Vice Admiral Lautenbacher, December 27, 2002

4 NOAA Administrative Order 209-123, NOAA Diving Program
5 15 CFR Part 922. Final notice of applicability of special use permit requirements to certain categories of activities conducted within the National Marine Sanctuary System.

6 Shore and Sea Boundaries: Volume Three, An Essential Reference for Those Concerned with Maritime Boundary Delimitation. Reed, M.W. June 2000. USGPO.

7 as they appear on NOAA Chart 18685, 30th Ed., July 25, 1992